

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

| | | |
|--|---|--------------------------|
| John E. Wilson, Jr., |) | C/A NO. 9:13-2107-CMC-BM |
| |) | |
| Plaintiff, |) | |
| |) | OPINION and ORDER |
| v. |) | |
| |) | |
| Sharon Patterson, Hearing Officer; South |) | |
| Carolina Department of Corrections, SCDC |) | |
| Agency; Robert Ward, SCDC Director, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation ("Report"). On August 19, 2013, the Magistrate Judge issued a Report recommending that this matter be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on September 5, 2013.¹

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

¹Plaintiff filed two copies of identical objections, although it is clear one copy was written by another individual. *See* ECF Nos. 13 & 15. However, both appear to have been signed by Plaintiff.

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusion of the Report. Accordingly, the Report is adopted by reference in this Order.

Plaintiff's objections go to his assertion that he has properly exhausted administrative remedies, but Plaintiff presents no argument or legal authority in response to the Report's finding that he cannot establish a constitutional claim so as to maintain this case. Therefore, this matter is dismissed without prejudice and without issuance and service of process.²

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 9, 2013

²Plaintiff's motion for enlargement of time is hereby moot.